

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROGER JOSEPH, JR., Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

vs.

VIRGIN MOBILE USA, INC., DANIEL H.  
SCHULMAN, JONATHAN MARCHBANK,  
JOHN D. FEEHAN, JR., FRANCES BRANDON-  
FARROW, DOUGLAS B. LYNN, MARK POOLE,  
ROBERT SAMUELSON, L. KEVIN COX,  
THOMAS O. RYDER, KENNETH T. STEVENS,  
LEHMAN BROTHERS, MERRILL LYNCH &  
CO., BEAR, STEARNS & CO., INC., RAYMOND  
JAMES & ASSOC., INC., and THOMAS WEISEL  
PARTNERS, LLC,

Defendants.

**NO. 07cv11060**

**NOTICE OF VOLUNTARY  
WITHDRAW**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 41, Plaintiff Roger Joseph, Jr.

hereby voluntarily dismissed the above-captioned action without prejudice.

Dated: January 30, 2008

**BRODSKY & SMITH, LLC**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copy of the foregoing document was filed with the Clerk of Court by using CM/ECF, which will electronically transmit and notify all counsel of record on this the 30th day of January 2008. I also certify that the foregoing document is being served this day on all counsel of record identified via transmission of Notices of Electronic Filing generated by CM/ECF, and by electronic mail to counsel identified below.

Dated: January 30, 2008

By: Evan J. Smith, Esquire

Evan J. Smith, Esquire

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